

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

OMAR M. SMITH,)	
)	
Petitioner,)	
)	
v.)	Nos.: 3:09-CR-147-TAV-HBG-1
)	3:16-CV-265-TAV
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

JUDGMENT ORDER

For the reasons expressed in the accompanying memorandum opinion, it is **ORDERED** and **ADJUDGED** that Petitioner's § 2255 motion [Doc. 63] is **DENIED** and **DISMISSED WITH PREJUDICE**. If Petitioner files a notice of appeal from this judgment, such notice of appeal will be treated as an application for a certificate of appealability, which is **DENIED** pursuant to 28 U.S.C. § 2253(c)(2) and Fed. R. App. P. 22(b) because he has failed to make a substantial showing of the denial of a federal constitutional right. The Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24 that any such appeal from this judgment would be frivolous and not taken in good faith.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE